
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 735 Session of
2019

INTRODUCED BY QUINN, OTTEN AND FREEMAN, MARCH 18, 2019

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 18, 2019

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, in powers and duties of commission,
3 providing for pipeline siting review.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 531. Pipeline siting review.

9 (a) Commission duties.--The commission shall, within 18
10 months of the effective date of this section, adopt regulations
11 regarding the siting of the new construction of pipelines.

12 (b) Pipeline siting application.--Prior to the new
13 construction of pipelines or pipeline construction projects
14 described under subsection (a), a public utility shall submit an
15 application to the commission for authorization regarding the
16 siting of the pipeline to be constructed.

17 (c) Application contents.--Applications submitted under
18 subsection (b) shall include:

19 (1) The name and address of the public utility proposing

1 the pipeline and the name and contact information for the
2 pipeline's representative for purposes of communication
3 regarding the application.

4 (2) A general description of the proposed route of the
5 pipeline, to include the number of route miles, the right-of-
6 way width and the location of the proposed pipeline within
7 each city, borough, town and township traversed.

8 (3) The names of known persons, corporations and other
9 entities of record owning property within the proposed right-
10 of-way, together with an indication of the pipeline rights-
11 of-way acquired by the public utility.

12 (4) A statement of the safety considerations that will
13 be incorporated into the design, construction and maintenance
14 of the proposed pipeline.

15 (5) A description of studies that have been made as to
16 the projected environmental impact of the pipeline as
17 proposed and of the efforts which have been and which will be
18 made to minimize the impact of the pipeline upon the
19 environment and scenic and historic areas, including, but not
20 limited to, impacts, where applicable, upon land use, soil
21 and sedimentation, plant and wildlife habitats, terrain,
22 hydrology and landscape.

23 (6) A description of the efforts of the public utility
24 to locate and identify archeologic, geologic, historic,
25 scenic or wilderness areas of significance within two miles
26 of the proposed right-of-way and the location and identity of
27 the areas discovered by the public utility.

28 (7) A general description of reasonable alternative
29 routes to the proposed pipeline, including a description of
30 the corridor planning methodology, a comparison of the merits

1 and detriments of each route and a statement of the reasons
2 for selecting the proposed pipeline route.

3 (8) A list of the Federal, State and local governmental
4 agencies that have requirements to be met in connection with
5 the construction or maintenance of the proposed pipeline and
6 a list of documents that have been or are required to be
7 filed with those agencies in connection with the siting and
8 construction of the proposed pipeline.

9 (9) A list of the governing bodies of the municipalities
10 through which the proposed pipeline will be located.

11 (10) A description of the product or material to be
12 transported through the proposed pipeline.

13 (11) The estimated cost of construction of the proposed
14 pipeline and the projected date for completion.

15 (12) A general statement of the need for the proposed
16 pipeline in meeting identified present and future demands for
17 service and of how the proposed pipeline will meet that need
18 and of the engineering justifications for the proposed
19 pipeline.

20 (13) Any other information, documentation, exhibits or
21 maps required by the commission.

22 (d) Service of application and notice of filing.--

23 (1) A public utility shall file the original application
24 under subsection (b) with the commission accompanied by an
25 affidavit of service showing the identity of those served
26 under paragraphs (2) and (3).

27 (2) At the time of filing, the public utility shall
28 serve a copy of the application upon the following:

29 (i) The chief executive officer, the governing body
30 and the body charged with the duty of planning land use

1 in each municipality in which any portion of the pipeline
2 is proposed to be located.

3 (ii) The Secretary of Environmental Protection.

4 (iii) The local coordinators of any local emergency
5 management organizations in the areas in which the
6 proposed pipeline route will be located.

7 (3) At the time of filing, the public utility shall
8 serve a notice of filing and a map of suitable detail showing
9 the proposed route of the proposed pipeline upon the
10 following:

11 (i) The Secretary of Transportation.

12 (ii) The Chairman of the Historical and Museum
13 Commission.

14 (iii) Other Federal, State and local agencies
15 designated in subsection (c) (8).

16 (iv) The persons, corporations and other entities
17 designated in subsection (c) (3).

18 (4) The notice of filing shall contain a statement
19 identifying the filing, the date on which the filing was or
20 is to be made, a description of the proposed pipeline, a
21 description of the product or material to be transported
22 through the proposed pipeline, the number of route miles, the
23 right-of-way width and the location of the proposed pipeline
24 within each municipality traversed and a statement that a
25 copy of the application is available for public examination
26 as provided in paragraph (5).

27 (5) On the day of filing of the application, the public
28 utility shall make a copy of the application available for
29 public examination on the public utility's publicly
30 accessible Internet website or during ordinary business hours

1 at a convenient location within any county in which a part of
2 the proposed pipeline will be located.

3 (e) Hearing and notice.--

4 (1) Upon filing of an application, the commission shall
5 set the time and place for at least two public hearings in
6 each county in which a portion of the pipeline is proposed to
7 be located.

8 (2) The public utility shall publish for two consecutive
9 weeks a notice of hearings in a newspaper of general
10 circulation within each municipality in which the pipeline is
11 proposed to be located. The publication of the notice of
12 hearings shall begin at least 45 days before the date set for
13 the commencement of the hearings. The notice of hearing for
14 publication shall contain a brief description of the proposed
15 pipeline, the pipeline's location, a statement of the date,
16 time and place of the hearing and of the hearing's purpose
17 and a statement as to where and when a copy of the
18 application will be available for public examination.

19 (3) The commission shall notify, and allow the timely
20 intervention of, each person or agency designated in
21 subsection (d) (2) and (3) of the time and place of the
22 hearings on the application and shall notify any other
23 parties granted leave to intervene in accordance with
24 commission rules or regulations.

25 (4) At hearings held under this section, the commission
26 shall accept evidence upon, and in the commission's
27 determination of the application the commission will consider
28 the following matters in consultation with the persons or
29 agencies listed in subsection (d) (2), where applicable:

30 (i) The present and future necessity of the proposed

1 pipeline in furnishing service to the public.

2 (ii) The safety of the proposed pipeline.

3 (iii) The impact and the efforts which have been and
4 will be made to minimize the impact, if any, of the
5 proposed pipeline upon the following:

6 (A) Land use.

7 (B) Soil and sedimentation.

8 (C) Plant and wildlife habitats.

9 (D) Terrain.

10 (E) Hydrology.

11 (F) Landscape.

12 (G) Archeologic areas.

13 (H) Geologic areas.

14 (I) Historic areas.

15 (J) Scenic areas.

16 (K) Wilderness areas.

17 (L) Scenic rivers.

18 (iv) The availability of reasonable alternative
19 routes.

20 (f) Commission determination.--

21 (1) The commission shall grant or deny the application,
22 in whole or in part, as filed or upon the terms, conditions
23 or modifications of the location, construction, operation or
24 maintenance of the line as the commission deems appropriate.

25 (2) The commission may not grant the application, either
26 as proposed or as modified, unless the commission finds and
27 determines as to the proposed pipeline that:

28 (i) There is a need for the proposed pipeline.

29 (ii) The proposed pipeline will not create an
30 unreasonable risk of danger to the health and safety of

1 the public.

2 (iii) The proposed pipeline is in compliance with
3 applicable statutes and regulations providing for the
4 protection of the natural resources of this Commonwealth.

5 (iv) The proposed pipeline will have minimum adverse
6 environmental impact, considering the needs of the public
7 for the pipeline, the state of available technology and
8 the available alternatives.

9 (g) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection unless the context clearly indicates otherwise:

12 "Pipeline." Includes:

13 (1) A pipeline of a public utility defined in paragraph
14 (1) (v) of the definition of "public utility" in section 102
15 (relating to definitions).

16 (2) A pipeline of a public utility defined in paragraph
17 (1) (i) of the definition of "public utility" in section 102
18 carrying natural or artificial gas, which pipeline has a
19 nominal inside diameter of eight inches or greater.

20 (3) Pipeline construction projects of a public utility
21 with total costs of \$5,000,000 or more.

22 Section 2. This act shall take effect in 60 days.